

*This opinion is nonprecedential except as provided by  
Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA  
IN COURT OF APPEALS  
A22-0875**

In the Matter of: Chee Vue.

**Filed April 24, 2023  
Affirmed  
Ross, Judge**

Department of Employment and Economic Development  
File No. 48560898-5

Chee Vue, Minneapolis, Minnesota (pro se relator)

Anne B. Froelich, Keri Phillips, Lossom Allen, Minnesota Department of Employment and Economic Development, St. Paul, Minnesota (for respondent department)

Considered and decided by Ross, Presiding Judge; Gaïtas, Judge; and Wheelock, Judge.

**NONPRECEDENTIAL OPINION**

**ROSS, Judge**

Chee Vue quit her job and applied to the department of employment and economic development for unemployment benefits. The department determined that she was ineligible for benefits beginning in February 2022. An unemployment-law judge found that Vue had been neither available for nor actively seeking suitable employment. Because substantial evidence supports the decision, we affirm.

**FACTS**

Relator Chee Vue quit her employment as a court operations associate in August

2021, asserting in part medical and mental-health concerns. Vue applied to respondent Minnesota Department of Employment and Economic Development for unemployment benefits. The department established her account in October 2021, but it decided in March 2022 that Vue had not sought suitable employment beginning in February 2022. Vue appealed that determination, and an unemployment-law judge (ULJ) conducted an evidentiary hearing.

Vue testified at the April 2022 hearing, describing her medical conditions and the restrictions they imposed on her job search. She said that her medical providers recommended that she should not work full-time or in-person. Vue disclosed spending about six hours weekly seeking employment, using mainly online resources. She testified that, since February 2022, she had contacted only three potential employers about job opportunities, attended one job fair, and spoken with one recruiter. She acknowledged that she had not interviewed for any job, opining that the employers she contacted were not hiring. She asserted that she was being “very selective” in her employment search because of her mental-health concerns.

The ULJ determined that Vue was not available for suitable employment or actively seeking suitable employment beginning in February 2022. The ULJ denied Vue’s later request for reconsideration, which Vue based on her medical conditions and additional job-search efforts. The ULJ explained that the medical conditions had already been taken into account and that Vue did not show that her new job-search efforts occurred before the evidentiary hearing. Vue appeals by certiorari.

## DECISION

We construe Vue's challenge on appeal as contesting the ULJ's factual findings about the effect of her medical conditions on her ability to work and the quality of her prehearing job search. Vue's assertions that she acted in good faith and did not commit misconduct are not relevant to this argument. We may reverse a ULJ's decision if, among other reasons, the findings, inferences, conclusion, or decision rests on insubstantial evidentiary support. Minn. Stat. § 268.105, subd. 7(d)(5) (2022). Whether an applicant is available for and actively seeking suitable employment are questions of fact. *Goodman v. Minn. Dep't of Emp. Servs.*, 255 N.W.2d 222, 223 (Minn. 1977) (availability); *McNeilly v. Dep't of Emp. & Econ. Dev.*, 778 N.W.2d 707, 711–12 (Minn. App. 2010) (actively seeking). We rely on the ULJ's evidentially supported factual findings and credibility decisions, viewing the evidence in a light most favorable to the decision. *McNeilly*, 778 N.W.2d at 710. Under this deferential review standard, Vue's challenge fails.

Substantial evidence supports the ULJ's conclusion that Vue was unavailable for and not actively seeking suitable employment. An applicant is eligible to receive unemployment benefits only if she is available for and actively seeking suitable employment. Minn. Stat. § 268.085, subd. 1(4), (5) (2022). An applicant is “[a]vailable for suitable employment” if she is ready, willing, and able to accept suitable employment, and any restrictions affecting her availability must not prevent her from accepting employment. *Id.*, subd. 15(a) (2022). An applicant is “[a]ctively seeking suitable employment” if she makes “reasonable, diligent efforts an individual in similar circumstances would make if genuinely interested in obtaining suitable employment under the existing conditions in the

labor market area.” *Id.*, subd. 16(a) (2022). If reasonable employment prospects in an applicant’s usual or customary occupation do not exist, she must actively seek other suitable employment to remain eligible for unemployment benefits. *Id.*, subd. 16(c) (2022). The ULJ applied these standards when deciding that Vue’s extremely limited efforts do not establish that she was available for or actively seeking suitable employment. Spending only six hours a week casually exploring potential employment online and sending inquiries to only three potential employers in over a month’s period (while submitting job applications to none) is not actively seeking suitable employment, nor is it a basis on which the ULJ could find that Vue was available for suitable employment.

We are not persuaded otherwise by Vue’s contention that the ULJ failed to consider the effect her medical conditions had on her failure to obtain employment. It is true that a potential job’s risk to an applicant’s health and safety is a relevant consideration when assessing employment suitability. Minn. Stat. § 268.035, subd. 23a(a) (2022). But the ULJ acknowledged that “[s]uitable employment for Vue includes part-time work with limited face-to-face interactions.” And the record provides ample support for the ULJ’s implicit recognition that Vue did not actively seek any position within the scope of her asserted restrictions. We therefore cannot say that the ULJ’s decision rests on insubstantial evidence.

**Affirmed.**